

IT IS ORDERED

Date Entered on Docket: March 22, 2023



The Honorable David T. Thuma
United States Bankruptcy Judge

UNITED STATES BANKRUPTCY COURT
DISTRICT OF NEW MEXICO

In re:

ROMAN CATHOLIC CHURCH OF THE
ARCHDIOCESE OF SANTA FE, a New
Mexico corporation sole,

Debtor.

Chapter 11

Case No. 18-13027-t11

**DEFAULT ORDER SUSTAINING DEBTOR'S OBJECTION TO AND DISALLOWING
PROOF OF CLAIM NO. 259 FILED BY EMMA BANUELOS**

This matter came before the Court upon *Debtor's Objection to Proof of Claim No. 259 Filed by Emma Banuelos*, (Doc. No. 1174) (the "Objection") filed by Roman Catholic Church of the Archdiocese of Santa Fe, a New Mexico corporation sole ("Archdiocese"). The Court, having reviewed the Objection, the Amended Notice (defined below), the Certificate of Service (defined below), and the docket, and being sufficiently advised, FINDS:

A. The Court has jurisdiction to consider this matter pursuant to 28 U.S.C. §§ 157(b) and 1334(a), and Miscellaneous Order No. 84-0324 filed in the United States District Court for

the District of New Mexico on March 19, 1992. This is a core proceeding pursuant to 28 U.S.C. §157(b)(2)(B). Venue is proper before this Court pursuant to 28 U.S.C. §§ 1408 and 1409.

B. On December 3, 2018, the Archdiocese filed a voluntary petition under Chapter 11 of the United States Bankruptcy Code, 11 U.S.C. §§ 101 *et seq.*

C. The Archdiocese's First Amended Plan of Reorganization dated November 3, 2022 (Doc. No. 1151) was confirmed on December 28, 2022. *See*, Order Confirming Plan (Doc. No. 1214).

D. The Effective Date of the Plan was February 16, 2023. *See* Notice of Effective Date (Docs. No. 1250 and 1251).

E. On June 11, 2019, Emma Banuelos ("Creditor"), filed Proof of Claim No. 259 in the amount of \$30,000 (the "Claim"). *See* Claims Registry.

F. On November 18, 2022, the Archdiocese filed the Objection. *See* Doc. No. 1174.

G. In accordance with Fed.R.Bankr.P. Rules 3007, 7004(h), and 9014, on February 6, 2023, the Archdiocese served a copy of the Objection and a copy of the Amended Notice of Deadline for Filing Response to the Objection (the "Notice") (Doc. No. 1243), by U.S. Mail to Creditor, to Creditor's address set forth in the Claim. *See* Amended Notice filed on February 6, 2023 and Certificate of Service (Doc. No. 1244).

H. The Amended Notice specified an objection deadline of 30 days from the date of service, to which three days was added under Bankruptcy Rule 9006(f). Copies of the Objection and Amended Notice were served also by use of the Court's case management and electronic filing system for the transmission of notices, as authorized by Fed. R.Civ.P. 5(b)(3) and NM LBR 9036-1, on all creditors and other parties in interest.

I. The Amended Notice was sufficient in form and content, and service of the Amended Notice was sufficient, proper, and timely under applicable law and rules, including F.R.Bankr.P. Rule3007(a).

J. The deadline for the Creditor to respond to the Objection expired on March 13, 2023.

K. Creditor did not respond to the Objection, timely or otherwise.

L. The Objection is well taken.

IT IS THEREFORE ORDERED, ADJUDGED AND DECREED that the Objection is sustained and Proof of Claim No. 259 filed on June 11, 2019 by Emma Banuelos in the amount of \$30,000 is disallowed.

END OF ORDER

Respectfully submitted,

WALKER & ASSOCIATES, P.C.

/s/ submitted electronically 3/20/2023

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